

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **September 26, 2006**

AGENDA ITEM NO.: 12

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Street Dedication and Naming Requests – “Two Creek Drive” in the Bethel Estates Subdivision, off Wiggington Road**

RECOMMENDATION: Approval of resolution to accept the public street dedication and naming requests

SUMMARY: Joseph A. and Alice S. Brown, represented by Jane A. Blickenstaff, The Lynchburg Company Realtors, are requesting to dedicate 5.525 acres for right-of-way for the proposed public street to be named “Two Creek Drive,” located on the north side of Wiggington Road in the proposed Bethel Estates Subdivision. This acreage includes a five-foot wide right-of-way strip to be added to Wiggington Road. The proposed street will serve sixty-two (62) lots for residential single-family development. A partial cul-de-sac containing 0.034 acres will be dedicated at the end of Hayfield Drive on south side. The cul-de-sac will serve one newly created lot (Lot 11) for residential single-family development in the existing Wildwind Subdivision.

PRIOR ACTION(S):

August 9, 2006: Planning Division recommended approval
Planning Commission recommended approval (5-0 with one absent, Worthington)

FISCAL IMPACT: N/A

CONTACT(S):

Tom Martin /455-3909
Annette Chenault /455-3894

ATTACHMENT(S):

- Resolution
- PC Report
- PC Minutes
- Subdivision Plat
- Vicinity Map

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION APPROVING THE DEDICATION OF A PUBLIC STREET AND NAMING THE NEW STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the dedication of a public street, to be constructed in compliance with the "Plat Showing Preliminary Layout for Lot 11 – Wildwind and Preliminary Layout for Bethel Estates," made by Hurt & Proffitt, Inc. dated June 19, 2006, which public street shall be fifty (50) feet in width and approximately 4,200 feet in length, be, and the same is hereby, approved and accepted contingent upon the filing of a properly executed subdivision plat in the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia; filing of approved street and utility plans; filing the necessary construction bonds; and construction of the street in accordance with City standards.

BE IT FURTHER RESOLVED, that the name "Two Creek Drive" is hereby approved for the new public street in the proposed Bethel Estates Subdivision.

Adopted:

Certified:

Clerk of Council

120L

THE DEPARTMENT of COMMUNITY DEVELOPMENT
City Hall, Lynchburg, VA 24504 434.455.3900

To: Planning Commission
From: Planning Division
Date: August 9, 2006
RE: PUBLIC STREET DEDICATION AND NAMING REQUESTS--“TWO CREEK DRIVE” IN THE BETHEL ESTATES SUBDIVISION, OFF WIGGINGTON ROAD

I. APPLICANT

Property Owners: Joseph A. and Alice S. Brown, 2002 Wiggington Road, Lynchburg, VA 24502-4658
Representatives: Jane A. Blickenstaff, The Lynchburg Company Realtors, 4706 Boonsboro Road, Lynchburg, VA 24503
Doyle B. Allen, Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, VA 24501

II. LOCATION

The subject property is a tract of land containing approximately eighty (80) acres located on the north side of Wiggington Road and Lot 11, Wildwind, containing approximately two (2) acres on Hayfield Drive.

III. PURPOSE

The purpose of the request is to dedicate 5.525 acres for right-of-way for the proposed public street to be named “Two Creek Drive” located on the north side of Wiggington Road. This acreage includes a five (5)-foot wide right-of-way strip to be added to Wiggington Road. A partial cul-de-sac containing 0.034 acres will be dedicated at the end of Hayfield Drive on the south side.

IV. SUMMARY

- Request agrees with the Subdivision Ordinance requirements for dedicating public rights-of-way in an existing R-1, Low Density Single-Family Residential District, and R-C, Conservation District.
- Request agrees with the Zoning Ordinance requirements for rights-of-way dedications.
- Request complies with City Code Section 35.105 requirements that “...all streets dedicated or private...may be assigned a name provided that a name assignment has been requested by the property owner on said street, and provided further that the Planning Commission deems the petitioned street of sufficient significance to warrant naming.”
- Request complies with City Code Section 35.111 requirement that states the “proposed street name will be reviewed by the Technical Review Committee, Planning Commission and City Council, with the final decision resting with Council.”

The Planning Division recommends approval of the public street dedication and naming requests.

V. FINDINGS OF FACT

1. **Background.** Jane A. Blickenstaff, The Lynchburg Company Realtors, is requesting to dedicate 5.525 acres for right-of-way for the proposed public street to be named “Two Creek Drive” located on the north side of Wiggington Road. “Two Creek Drive,” fifty (50) feet in width, would extend from Wiggington Road in a northwesterly direction for approximately 4,200 feet to circle back into itself. A five (5)-foot wide right-of-way strip will be added to Wiggington Road. A partial cul-de-sac containing 0.034 acres will be dedicated at the end of Hayfield Drive on the south side.
2. **Zoning.** The subject property is zoned R-1, Low Density, Single-Family Residential District, and R-C, Conservation District.
3. **Waivers.** No waivers from the Subdivision Ordinance will be needed for the street dedication and naming requests.
4. **Proposed Use of Property.** The new street will serve sixty-two (62) lots for residential single-family development.

5. Technical Review Committee. The Technical Review Committee (TRC) reviewed a preliminary plat for the proposed Lot 11 Wildwind and Preliminary Layout of Bethel Estates on July 5, 2006. The TRC had the following comments of significance to the consideration of the subdivision:

- “Road-water-sewer plans must be submitted separately to the Engineering Division for review and approval for all infrastructure which will become the property of the City of Lynchburg.”
- “All water and sewer easements must be shown on the plat.”
- “Curb and gutter and right-turn lane into the project (from Wiggington Road) will be required.”

TRC Members Gerry Harter and Michael Thomas, the Emergency Communications Administrator and the Lynchburg Post Office Customer Services Manager reviewed the proposed public street dedication and naming requests on July 7, 2006. There were no concerns with the proposed street name “Two Creek Drive” and no conflict with any existing street names.

VI. PLANNING DIVISION RECOMMENDED MOTION

Based on the proceeding findings of fact, the Planning Commission recommends to City Council approval of the dedication of the public street to be named “Two Creek Drive,” with fifty (50) feet of right-of-way, approximately 4,200 feet in length, to be constructed in substantial compliance with the “Plat Showing Preliminary Layout for Lot 11 Wildwind and Preliminary Layout of Bethel Estates,” by Hurt & Proffitt, Inc., dated June 19, 2006. The dedication of “Two Creek Drive” and its acceptance as a public street is contingent on Joseph A. Brown and Alice S. Brown filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City’s acceptance of “Two Creek Drive” as a public street null and void.

This matter is hereby offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. H. W. Duff, Jr. Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Annette M. Chenault, Planner II
Ms. Nicole Gilkeson, Community Development Planner
Ms. Jane A. Blickenstaff, representative
Mr. Doyle B. Allen, representative

VII. ATTACHMENTS

1. Plat Showing Preliminary Layout for Lot 11 Wildwind and Preliminary Layout of Bethel Estates by Hurt & Proffitt, Inc., dated June 19, 2006

Minutes from the August 9, 2006 Planning Commission meeting (excerpt). The minutes have not been reviewed or approved by the Planning Commission

- a. **The purpose of the request is to dedicate 5.525 acres for right-of-way for the proposed public street to be named “Two Creek Drive” located on the north side of Wiggington Road. This acreage includes a five (5)-foot wide right-of-way strip to be added to Wiggington Road. A cul-de-sac containing 0.034 acres will be dedicated at the end of Hayfield Drive.**

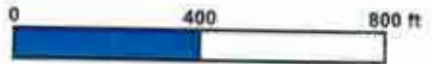
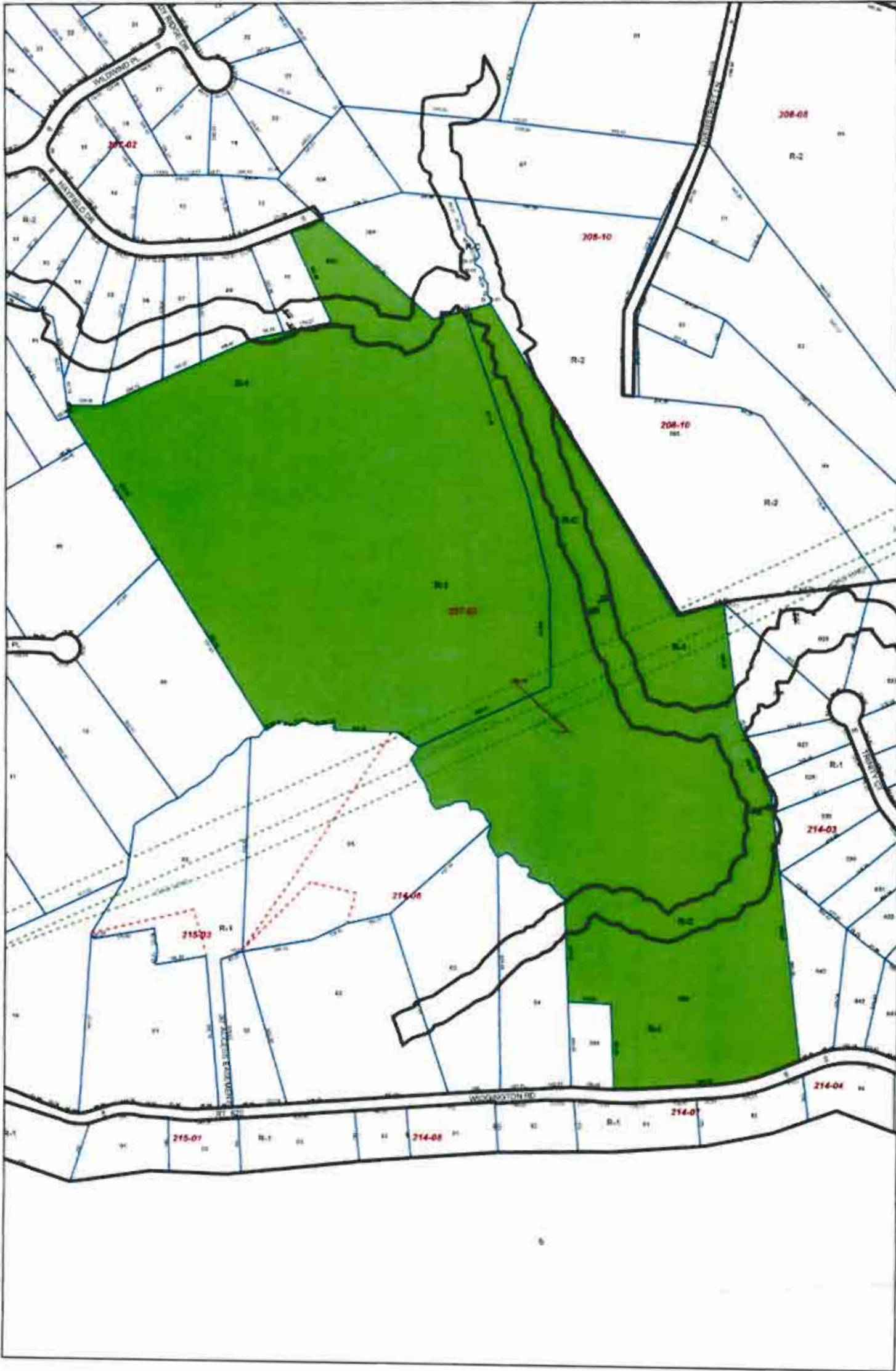
Mr. Tom Martin, City Planner, said this proposal would be for the dedication and naming of “Two Creek Drive” which will serve 62 newly created lots for residential single-family development. The lots will be served by City water and sewer. The request also involves the dedication of right of way for a partial cul-de-sac at the end of Hayfield Drive which will serve a new lot in the Wildwind Subdivision. The street name has been reviewed for conflicts and there were none found. The Planning Division recommended that the street dedication and name be approved.

Mr. Doyle Allen, Hurt & Proffitt, Inc., stated the request is for a new subdivision in the R-1 zoning district. All lots are in compliance. Additional right-of-way will be dedicated along Wiggington Road for this project.

After discussion, Commissioner Sale made the following motion which was seconded by Commissioner Barnes and passed the following vote:

“That the Planning Commission recommends to City Council approval of the dedication of the public street to be named “Two Creek Drive,” with fifty (50) feet of right-of-way, approximately 4,200 feet in length, to be constructed in substantial compliance with the “Plat Showing Preliminary Layout for Lot 11 Wildwind and Preliminary Layout of Bethel Estates,” by Hurt & Proffitt, Inc., dated June 19, 2006. The dedication of “Two Creek Drive” and its acceptance as a public street is contingent on Joseph A. Brown and Alice S. Brown filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City’s acceptance of “Two Creek Drive” as a public street null and void.”

Ayes: Sale, Flint, Hamilton, Barnes, Oglesby	5
Noes:	0
Abstentions: Worthington	1
Absent:	0

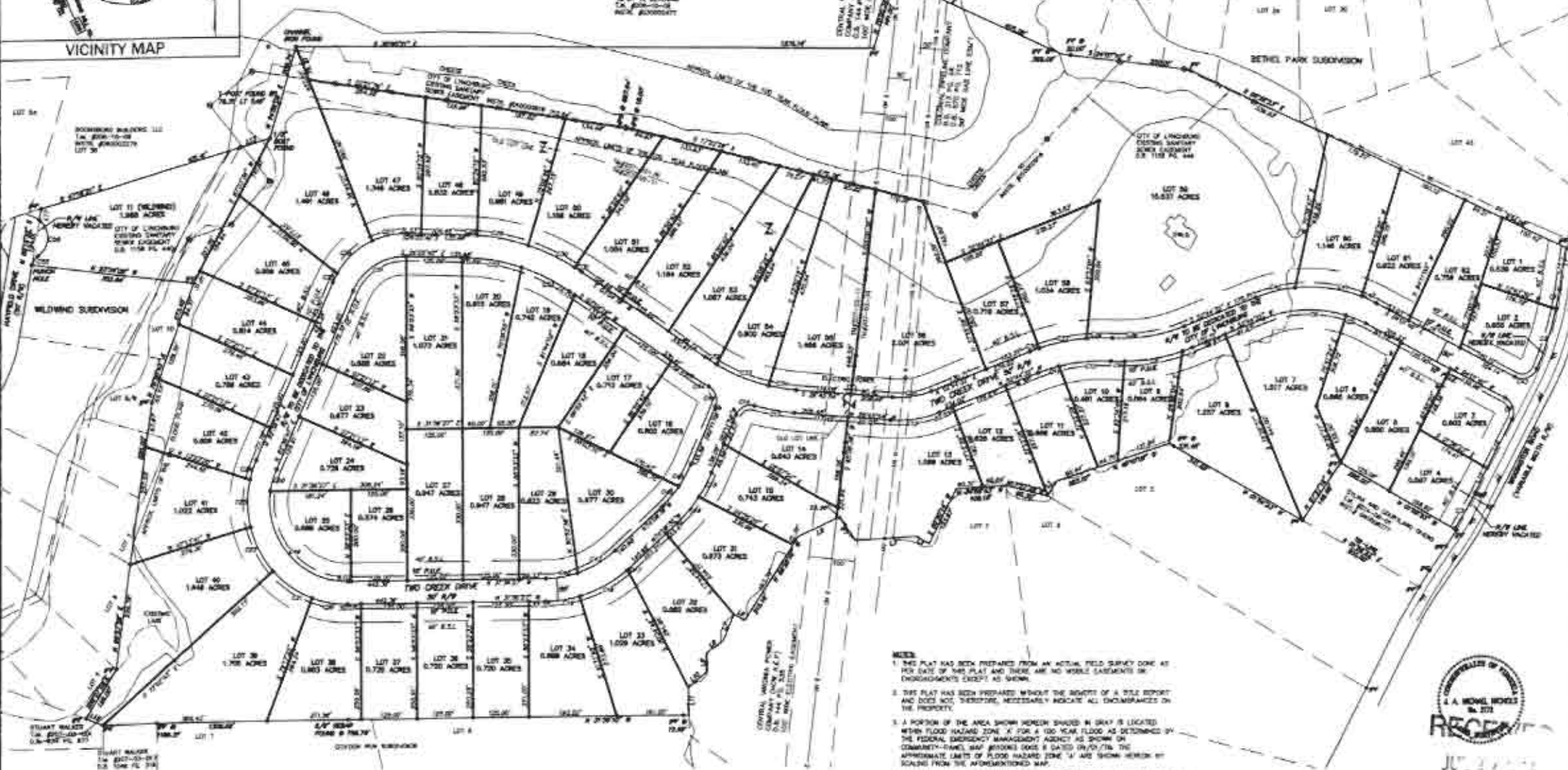




SOURCES OF TITLE
T.M. 207-02-11
 THE AREA SHOWN WAS ACQUIRED BY JOSEPH A. BROWN AND ALICE S. BROWN FROM WILLIAM EARLE BETTS, JR. BY DEED DATED JANUARY 15, 2003 AS RECORDED IN INSTR. #2003-01-08 OF THE CLERK'S OFFICE OF THE CITY OF LYNCHBURG, VIRGINIA.
T.M. 207-02-36
 THE AREA SHOWN WAS ACQUIRED BY JOSEPH A. BROWN AND ALICE S. BROWN FROM WILLIAM EARLE BETTS, JR. BY DEED DATED JANUARY 15, 2003 AS RECORDED IN INSTR. #2003-01-08 OF THE CLERK'S OFFICE OF THE CITY OF LYNCHBURG, VIRGINIA.

HENRY C. DEVENY &
 HENRY A. DEVENY
 L.A. #2003-01-08
 REAL SUBDIVISION

CENTRAL VIRGINIA POWER
 COMPANY (NEW A.S.P.)
 L.A. #2003-01-08
 REAL SUBDIVISION



- NOTES:**
1. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE AT PER DATE OF THIS PLAT AND THERE ARE NO MISTAKES OR ENCUMBRANCES EXCEPT AS SHOWN.
 2. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
 3. A PORTION OF THE AREA SHOWN HEREIN SHOWN IN GRAY IS LOCATED WITHIN FLOOD HAZARD ZONE 'A' FOR A 100 YEAR FLOOD AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY-PAVED MAP BOOKING DOCS. 8 DATED 01/15/76. THE APPROXIMATE LIMITS OF FLOOD HAZARD ZONE 'A' ARE SHOWN HEREIN BY BOUNDING FROM THE ABOVE-MENTIONED MAP.
 4. PROPERTY WILL BE SERVED BY WATER AND SEWER FROM THE CITY OF LYNCHBURG.
 5. EXISTING UTILITIES ARE SHOWN AND UNDERGROUND.
 6. WORKMANSHIP TO BE SET AT ALL CORNERS, WHERE POSSIBLE, OR AS OTHERWISE INDICATED ON THIS PLAT.
 7. RESTRICTIONS, IF ANY, ARE TO BE RECORDED SEPARATELY WITH THIS PLAT.
 8. ALL IMPROVED STREETS HAVE 30' RIGHT-OF-WAY WIDTHS AND WILL BE DEDICATED TO THE CITY OF LYNCHBURG ON RECORDING THE FINAL SUBDIVISION PLAT.
 9. IMPROVEMENTS TO WASHINGTON ROAD WILL BE PROVIDED.
 10. SUBJECT PROPERTY IS ZONED R-1 WITH R-1C ZONING SET ON EACH SIDE OF THE CENTERLINE OF CHESTNUT DRIVE.



80.137 ACRES (T.M. 207-02-36 & T.M. 207-02-11)
 -5.525 ACRES (TWO CREEK DRIVE R/W & 5' WIDE R/W STRIP ADDED TO WASHINGTON ROAD HEREBY DEDICATED TO THE CITY OF LYNCHBURG)
 -0.034 ACRES (R/W IN CUL-DE-SAC OF HAYFIELD DRIVE HEREBY DEDICATED TO THE CITY OF LYNCHBURG)
 74.578 ACRES (LOTS 1-62)

THIS PROPERTY PRESENTLY CONSISTS OF TWO PARCELS:
 T.M. 207-02-038 (2002 WASHINGTON ROAD) JOSEPH AND ALICE BROWN (OWNERS)
 T.M. 207-02-011 (2011 HAYFIELD DRIVE) JOSEPH AND ALICE BROWN (OWNERS)
 TOTAL AREA OF THIS SUBDIVISION IS 80.137 ACRES.
 OWNERS ADDRESS IS: 2002 WASHINGTON ROAD LYNCHBURG, VA. 24501
 THE TWO PARCELS WILL BE COMBINED BY VACATING THE INTERIOR PARCEL LINES.
 THE PROJECT WILL BE A SINGLE FAMILY SUBDIVISION.
 LOT 11 BUILDING IS SUBDIVISION FOR THIS PLAT BUT IT IS TO BECOME AN INTEGRAL PART OF WILMINGTON SUBDIVISION.

Hurt & Proffitt, Inc.
 REAL ESTATE SURVEYING & ENGINEERING
 2021 Lynchburg Road
 Lynchburg, Virginia 24503
 (804) 797-7447 FAX (804) 797-7448

PLAT SHOWING
 PRELIMINARY LAYOUT OF BETHEL ESTATES
 CITY OF LYNCHBURG, VIRGINIA